

February 15, 1984
NUMBER 1304.23

Department of Defense Directive

ASD(MI&L)

DTIC
ELECTE
SEP 16 1993

SUBJECT: Acquisition and Use of Criminal History Record
Information by the Military Services

- References: (a) Title 10, United States Code, Sections 503, 504, 505, and 520a
(b) DoD Directive 5200.2, "DoD Personnel Security Program," December 20, 1979
(c) DoD 5200.2-R, "DoD Personnel Security Program," December 1979, authorized by reference (b), above

A. PURPOSE

Under reference (a), this Directive establishes policy guidance concerning the acquisition of criminal history record information for use in determining an enlistment applicant's suitability for entry and for participation in special programs that require a determination of trustworthiness (reference (b)), assigns responsibilities, and prescribes procedures.

B. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense, the Military Departments, and the Defense Investigative Service (DIS). The term "Military Services," as used herein, refers to the Army, Navy, Air Force, and Marine Corps.

C. DEFINITIONS

1. Criminal History Record Information (with respect to any juvenile or adult arrest, citation, or conviction). The offense involved; age of the person involved; dates of arrest, citation, or conviction, if any; place of the alleged offense; place of arrest and assigned court; and disposition of the case.

2. Criminal Justice System. State, county, and local government law enforcement agencies; courts and clerks of courts; and other government agencies authorized to collect, maintain, and disseminate criminal history record information.

3. Special Programs. Military Services' programs that, because of their sensitivity or access to classified information, require the DIS to perform the investigations specified in Chapter III of reference (c).

This document has been approved
for public release and sale; its
distribution is unlimited.

93-21110



03 2 10 000

D. POLICY

Section 503 of Title 10, United States Code (reference (a)), requires the Secretaries of the Military Departments to conduct intensive recruiting campaigns to obtain enlistments. It is the policy of the Department of Defense that the Military Services review the background of applicants for enlistment and for participation in special programs to identify:

1. Those whose backgrounds pose serious questions as to fitness for service (10 U.S.C. 504 and 505, reference (a)) or suitability for participation in special programs (DoD Directive 5200.2, reference (b)).
2. Those who may not be enlisted in the Military Services unless a waiver is granted (section 504 of reference (a)).
3. Those who may try to enlist fraudulently.

E. RESPONSIBILITIES

1. The Assistant Secretary of Defense (Manpower, Installations, and Logistics) shall submit the implementing Military Service regulations to the Senate and House Committees on Armed Services, in accordance with section 520a of reference (a), after review to ensure reasonable uniformity.

2. The Secretaries of the Military Departments shall develop and prepare uniform implementing regulations concerning acquisition, review, and safeguarding of criminal history record information by recruiting elements to conform with section 520a of reference (a) policies stated herein and shall include in the regulations procedures on obtaining and reviewing criminal history record information for recruitment purposes and for assignment of personnel to special programs.

3. The Director, Defense Investigative Service, shall ensure that the acquisition of all available criminal history record information, or criminal history record information provided to the DIS by other government agencies, is safeguarded in accordance with existing laws or DoD regulatory documents to ensure protection of the privacy of the enlistment applicant on whom the record exists.

F. PROCEDURES

1. Under section 520a of reference (a), recruiters are authorized to request and receive criminal history record information from the criminal justice system.

2. The Military Services shall obtain criminal history record information on enlistment applicants from the criminal justice system and from the DIS and shall review this information to determine whether applicants are acceptable for enlistment and for assignment to special programs. Recruiters shall request such information in each instance by addressing their requests to the criminal justice system not later than 90 days after each application for enlistment is made.


Feb 15, 84
1304.23

3. The Military Services shall ensure the confidentiality of criminal history record information obtained for recruiting purposes. Personnel who have access to this information may not disclose it except for the purposes for which obtained (10 U.S.C. 520a, reference (a)).

4. The DIS shall provide additional background information to the Military Services as needed to determine the suitability of applicants for enlistment and for participation in special programs. This additional background information shall be provided by Entrance National Agency Checks (ENTNACs) and other investigations as directed by DoD 5200.2-R (reference (c)).

G. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward one copy of the implementing documents to the Assistant Secretary of Defense (Manpower, Installations, and Logistics) within 120 days.


William H. Taft, IV
Deputy Secretary of Defense

SUPPLEMENTARY

INFORMATION

DEPARTMENT OF DEFENSE

DIRECTIVES SYSTEM TRANSMITTAL

NUMBER	DATE	DISTRIBUTION
See Pen Changes Below	November 16, 1994	1000 series

ATTACHMENTS

None

CARATA AD-A269337

INSTRUCTIONS FOR RECIPIENTS

Pen changes to the following DoD Issuances are authorized:

DoD Issuance Number and Date

Change Number

DoD Instruction 1000.15, September 22, 1978

Change 2

Section H.

Heading. Delete "AND IMPLEMENTATION"

Lines 1 through 3. Delete "Forward two copies of implementing regulations to the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics) within 120 days."

DoD Directive 1020.1, March 31, 1982

Change 1

Section H.

Heading. Delete "AND IMPLEMENTATION"

Lines 1 through 3. Delete "Forward one copy of implementing documents to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) within 120 days."

DoD Directive 1205.5, May 16, 1980

Change 1

Section F.

Heading. Delete "AND IMPLEMENTATION"

Lines 1 through 3. Delete "Forward one copy of implementing documents to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) within 120 days."

WHEN PRESCRIBED ACTION HAS BEEN TAKEN, THIS TRANSMITTAL SHOULD BE FILED WITH THE BASIC DOCUMENT

NUMBER	DATE	DEPARTMENT OF DEFENSE DIRECTIVES SYSTEM TRANSMITTAL
See Below Pen Changes	November 16, 1994	

INSTRUCTIONS FOR RECIPIENTS (continued)

<u>DoD Issuance Number and Date</u>	<u>Change Number</u>
<u>DoD Instruction 1205.12, January 15, 1969</u> Section VI. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 4. Delete "Two (2) copies of implementing instructions issued by the Military Departments shall be furnished to the Assistant Secretary of Defense (M&RA) within sixty (60) days."	Change 1
<u>DoD Directive 1205.14, November 11, 1974 (Reprint)</u> Section IV. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 4. Delete "Two copies of implementing documents shall be forwarded to the Assistant Secretary of Defense (Manpower and Reserve Affairs) within 90 days."	Change 1
<u>DoD Directive 1205.17, June 20, 1985</u> Section F. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 3. Delete "Forward two copies of implementing documents to the Assistant Secretary of Defense (Reserve Affairs) within 120 days."	Change 1
<u>DoD Directive 1215.13, June 30, 1979</u> Section G. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 4. Delete "Forward two copies of implementing documents to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) within 120 days for review and approval prior to issuance."	Change 2
<u>DoD Directive 1215.14, February 4, 1975</u> Section IV. Heading. Delete "AND IMPLEMENTATION" Subsection B. Delete in its entirety.	Change 3
<u>DoD Directive 1304.23, February 15, 1984</u> Section G. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 3. Delete "Forward one copy of implementing documents to the Assistant Secretary of Defense (Manpower, Installations, and Logistics) within 120 days."	Change 1

2

NUMBER	DATE	DEPARTMENT OF DEFENSE DIRECTIVES SYSTEM TRANSMITTAL
See Below Pen Changes	November 16, 1994	

INSTRUCTIONS FOR RECIPIENTS (continued)

DoD Issuance Number and Date

Change Number

DoD Directive 1312.2, October 4, 1989

Change 1

Section G.

Heading. Delete "AND IMPLEMENTATION"
Lines 2 through 4. Delete "Forward two copies of implementing documents to the Assistant Secretary of Defense (Health Affairs) within 120 days."

DoD Directive 1320.5, July 26, 1978

Change 2

Section F.

Heading. Delete "AND IMPLEMENTATION"
Lines 1 through 3. Delete "Forward one copy of each implementing document to the Assistant Secretary of Defense (MRA&L) within 120 days."

DoD Instruction 1322.20, March 14, 1991

Change 1

Section H.

Heading. Delete "AND IMPLEMENTATION"
Lines 1 through 3. Delete "Forward two copies of implementing documents to the Assistant Secretary of Defense (Force Management and Personnel) within 120 days."

DoD Directive 1325.6, September 12, 1969

Change 3

Section IV.

Heading. Delete "AND IMPLEMENTATION"
Lines 1 through 3. Delete "Two (2) copies of implementing regulations shall be forwarded to the Assistant Secretary of Defense (Manpower and Reserve Affairs) within ninety (90) days."

DoD Instruction 1330.7, April 26, 1974

Change 3

Section V.

Heading. Delete "AND IMPLEMENTATION"
Lines 1 through 3. Delete "Two copies of implementing instructions shall be forwarded to the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics) within 60 days."

DoD Directive 1338.5, August 13, 1980

Change 2

Section F.

Heading. Delete "AND IMPLEMENTATION"
Lines 1 through 3. Delete "Forward two copies of implementing documents to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) within 120 days."

NUMBER	DATE	DEPARTMENT OF DEFENSE DIRECTIVES SYSTEM TRANSMITTAL
See Below Pen Changes	November 16, 1994	
INSTRUCTIONS FOR RECIPIENTS (continued)		
<u>DoD Issuance Number and Date</u>		<u>Change Number</u>
<u>DoD Directive 1344.3, February 1, 1978</u> Section D. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 3. Delete "Forward two copies of implementing regulations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) within 60 days."		Change 1
<u>DoD Instruction 1400.10, December 5, 1980</u> Section F. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 3. Delete "Forward one copy of implementing documents to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) within 120 days."		Change 2
<u>DoD Instruction 1400.11, February 8, 1980</u> Section D. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 3. Delete "Forward one copy of implementing documents to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) within 120 days."		Change 2
<u>DoD Directive 1400.13, July 8, 1976</u> Section VI. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 3. Delete "Two copies of implementing regulations shall be forwarded to the ASD(M&RA) within 60 days."		Change 1
<u>DoD Directive 1400.16, October 30, 1970</u> Section VIII. Heading. Delete "AND IMPLEMENTATION" Paragraph B. Delete in its entirety.		Change 2
<u>DoD Directive 1400.25, January 24, 1978</u> Section E. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 3. Delete "Forward two copies of implementing documents to the ASD(MRA&L) and one copy to the ASD(C) within 60 days."		Change 1
<u>DoD Instruction 1400.32, January 15, 1987</u> Section G. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 3. Delete "Forward two copies of implementing documents to the Assistant Secretary of Defense (Force Management and Personnel) within 60 days."		Change 1

NUMBER	DATE	DEPARTMENT OF DEFENSE DIRECTIVES SYSTEM TRANSMITTAL
See Below Pen Changes	November 16, 1994	

INSTRUCTIONS FOR RECIPIENTS (continued)

<u>DoD Issuance Number and Date</u>	<u>Change Number</u>
<u>DoD Directive 1400.34, December 15, 1988</u> Section F. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 5. Delete "The Military Departments shall forward one copy of implementing documents to the Assistant Secretary of Defense (Force Management and Personnel) within 60 days of receipt of DoD 1400.34-M, "DoD Civilian Intelligence Personnel Management System (CIPMS) Procedures."	Change 2
<u>DoD Directive 1402.1, January 21, 1982</u> Section F. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 3. Delete "Forward two copies of implementing documents to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) within 120 days."	Change 3
<u>DoD Instruction 1412.3, December 8, 1971</u> Section V. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 4. Delete "Two copies of each implementing document will be forwarded to the Assistant Secretary of Defense (Manpower and Reserve Affairs) within ninety (90) days."	Change 2
<u>DoD Instruction 1416.4, March 4, 1963</u> Section VIII. Heading. Change "IMPLEMENTATION" to "EFFECTIVE DATE" Subsection A. Delete in its entirety. Subsection B. Redesignate paragraph "B." as paragraph "A."	Change 2
<u>DoD Instruction 1416.8, December 5, 1980</u> Section E. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 4. Delete "Forward one copy of implementing documents to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) within 120 days."	Change 1
<u>DoD Instruction 1418.2, May 5, 1969</u> Section VII. Heading. Delete "IMPLEMENTATION AND" Lines 1 through 4. Delete "Two copies of implementing instructions and revisions thereto will be furnished to the to the Assistant Secretary of Defense (Manpower and Reserve Affairs) within 60 days."	Change 4

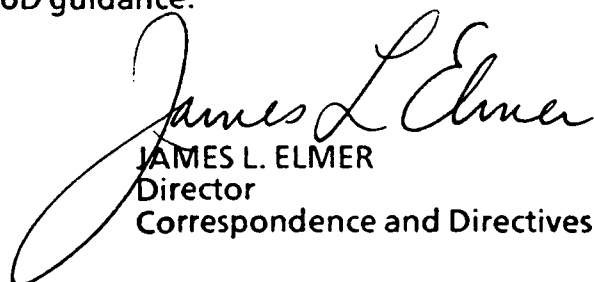
NUMBER	DATE	DEPARTMENT OF DEFENSE DIRECTIVES SYSTEM TRANSMITTAL
See Below Pen Changes	November 16, 1994	

INSTRUCTIONS FOR RECIPIENTS (continued)

<u>DoD Issuance Number and Date</u>	<u>Change Number</u>
<u>DoD Instruction 1422.1, October 31, 1967 (Reprint)</u> Section VI. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 4. Delete "Two copies of implementing regulations issued by the DoD components will be forwarded to the Assistant Secretary of Defense (Comptroller) within 90 days."	Change 1
<u>DoD Instruction 1424.3, January 28, 1980</u> Section E. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 3. Delete "Forward one copy of implementing documents to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) within 120 days."	Change 1
<u>DoD Directive 1430.2, June 13, 1981</u> Section E. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 3. Delete "Forward two copies of implementing documents to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) within 120 days."	Change 1
<u>DoD Directive 1430.4, January 30, 1985</u> Section E. Heading. Delete "AND IMPLEMENTATION" Lines 1 through 3. Delete "Forward two copies of implementing documents to the Assistant Secretary of Defense (Manpower, Installations, and Logistics) within 120 days."	Change 1

EFFECTIVE DATE

The above pen changes are effective immediately. Although the pen changes remove the requirement for DoD Components to issue implementing documents, the DoD issuances are directly applicable to all elements with the Components and the Heads of the DoD Components are responsible for carrying out the DoD guidance.


 JAMES L. ELMER
 Director
 Correspondence and Directives